

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 21, 2008

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No. 08-40086  
Conference Calendar

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Charles R. Fulbruge III  
Clerk

JOEL LOPEZ-FERNANDEZ

Petitioner-Appellant

v.

JOHN B FOX, Warden

Respondent-Appellee

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:07-CV-606

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Before KING, BARKSDALE, and OWEN, Circuit Judges.

PER CURIAM:\*

Joel Lopez-Fernandez (Lopez), federal prisoner # 06964-030, appeals the denial of his 28 U.S.C. § 2241 petition challenging his methamphetamine and firearms convictions. The district court determined that Lopez's claims collaterally attacked his conviction and, as such, he was precluded from proceeding via § 2241 because he had failed to show the 28 U.S.C. § 2255 remedy inadequate. See *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

2001). Lopez has failed to assign error to or address that determination and has therefore waived its review. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

AFFIRMED.